

COMMISSIONERS REGULAR MEETING

March 18, 2015

YORK,ss

At a regular meeting of the County Commissioners of the County of York, begun and holden at the York County Government Building in Alfred, within and for the County of York, being held on Wednesday, March 18, 2015 A. D. at 4:30 P. M.

COMMISSIONERS PRESENT:

Sallie Chandler
Marston D. Lovell
Richard R. Dutremble
Michael J. Cote
Gary Sinden

County Manager Gregory Zinser was present at the meeting.

All present were invited to rise and salute the flag of the United States.

Call Meeting to Order

YOU ARE INVITED TO RISE AND SALUTE THE FLAG OF THE UNITED STATES

03-18-15 ITEM

1 PUBLIC COMMENT(S) ON ANY ITEM(S)

Susan Wiswell approached the Board and shared facts she had read online regarding the EB-5 program. Among these facts were that a minimum investment of \$1 million dollars is needed except for in rural locations where the required investment is \$500,000.00 which, she stated she believes is most of York County.

She informed the Board that after five years of participation in the program, Vermont now has a regional center. Ms. Wiswell added that most of their EB-5 businesses are major ski resorts. She continued that she has serious concerns about the program including: Would foreign nationals be buying up real estate? How well are investors screened? She reminded all that many terrorists came from wealthy, foreign families. Would they bring in their own people for management positions and give our citizens the low paying jobs? How many workers would be US citizens? How much would the town or county have to invest in infrastructure? Would there be tax breaks for developers? We don't have a regional center so who would oversee this program. What is our recourse if there is a fraudulent project as

some have been. County Manager Zinser will contact Ms. Wiswell to address her questions.

2 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETING OF MARCH 4, 2015

Commissioner Cote motioned to accept the minutes. Commissioner Sinden seconded the motion. Vote 5-0.

3 CONTINUATION OF DOIRON TAX ABATEMENT DENIAL APPEAL HEARING

Motion by Commissioner Cote to take the item off the table. Commissioner Lovell seconded the motion. Vote 5-0

County Manager Zinser explained to all present that at the last meeting the Commissioners asked Mr. McKenney, Berwick Tax Assessor, to inform them the value of the Doiron property(s) if the lots were combined. Mr. McKenney distributed the information. He explained that the total value would be \$301,600 for the 8.6 acres and the two buildings. It is currently assessed at \$349,300 so there would be a \$47,700 drop from their current assessment. Mrs. Doiron addressed the Board and stated that she found paperwork from 1990's showing the two parcels were on one deed and one tax bill until 1979. The County Manager clarified that the Commissioners can only be ruling on 2011, 2012, and 2013. Property tax abatement request for 2014 has to begin with Board of Assessors in Berwick. He reminded the Board that the Commissioners do not have the authority to combine lots. Mr. Zinser advised that the Commissioners should focus on whether or not they consider the secondary parcel to be over assessed and if so, what would that value be? Commissioner Lovell commented that this is an emotional issue but reminded the Board that we must control our emotions while we decide policy. He went on to state that he hasn't heard any information that the 40% wetlands on the property, as shown by the Town of Berwick, is not correct. Therefore, he would vote in favor of the Town of Berwick unless the Doirons can show proof that the wetlands portion of their property is greater than 40%. Commissioner Cote commented that this issue occurred (resulting in a much higher tax bill for the Doirons) when the town instituted a re-evaluation. He added that unfortunately, that does happen. This fact is what makes this a bigger issue, commented Commissioner Cote. He agrees that the Town does have the authority to tax as two lots. We have to follow the law and what is credible. Commissioner Sinden stated that he was leaning another direction. He continued that the Town of Berwick chose to combine the lots resulting in a windfall for the Town but a hardship for the owners. Commissioner Sinden added that he questions the value of the larger piece as it's not really a useable piece of property due to the issue of the septic and setbacks. He went on to state that he cannot justify Berwick's decision adding that they waited quite a bit of time before they separated the properties. He stated that he feels some abatement is due. We would have to calculate what that would be in terms of fairness for the three years. They (the Dorions) did nothing to cause this massive increase in taxes. Commissioner Chair Sallie Chandler clarified that it is suggested that the value of the wetlands portion of the land is higher than we think it ought to be. She directed that she would ask her fellow Commissioners for a figure or a percentage so that they could come to an agreement. Commissioner Sinden remarked that he felt it

best to go back and determine what was requested in the original application and determine a fair refund. Mr. McKenney stated that the current ratio is 108%. Commissioner Lovell asked Mr. McKenney if he had taken into effect the 2012 modification to broaden the wetlands portion of the Doiron property. He added that he would like to have a percentage number from a professional as to what percentage is buildable. After a brief discussion amongst the Commissioners, Commissioner Cote suggested abating \$40,000.00.

Commissioner Cote motioned to set the value of the property at \$99,000.00 resulting in an abatement of \$40,000 for each of the 3 tax years (2011, 2012, 2013). Commissioner Sinden seconded the motion. Vote 4-1 with Commissioner Lovell opposed. The County Manager clarified that the new value carries forward for all successive tax years at this time until a revaluation is done. He added that an Assessor's abatement for 2014 would have to be brought to the Board of Assessors by the Town.

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HEAR ANY REPORTS OF THE COMMISSIONERS

a. Commissioner Cote to give an update on recent MCCA meeting

The Jail issue was the big discussion. Sheriff Merry and Todd Brackett were present. It was decided that a committee be formed that addresses issues of the BOC/jail and that it be made up of three County Commissioners and three Sheriffs. This idea received a unanimous vote of MCCA. Commissioner Dutremble asked Commissioner Cote if the people who volunteered to be on the committee are the same who have previously been on committees. Will there be any new ideas? Commissioner Cote responded that he would be new and there is one other new person and that the other two volunteers have served prior. Commissioner Dutremble stated there needs to be a mixture of new ideas and old ideas. Commissioner Sinden commented that he is a little concerned that there is a new committee and wonders where will that committee end up. He continued that the first thing the Committee needs to understand is that whatever they come up with will be evaluated by this board and either accepted or rejected. Commissioner Sinden stated that York County simply wanted the jail system to run as it had been run prior to the State takeover. He continued that it was a good working model for York County and we were not having any issues. If certain Counties want to fix problems that affect them, then let them do it. We don't need Statewide legislation to fix local problems, stated Commissioner Sinden. He went on to ponder whether this will cause the legislators to think we can wait another year while the committee comes up with answers. The County Manager reminded all present that we are the only County who has taken a position. He added that there is a lot of confusion regarding LD 186, which does not address consolidation, and lots of other bills. The County Manager also stated that some counties do not want the jails to return to County control (flagship vs. receiving facilities). County Manager Zinser added that he understands Commissioner Cote's position that his being a part of this committee will be symbolic and he will have an ear to let us know what is going on. He reminded Commissioner Cote to be careful to not let the Committee blossom into a regressive state. Commissioner Cote stated that he feels this is a way to show some unity, an opportunity for us to join together, sit down and talk and see what we can agree on. He agrees that we should not waiver on our position. Commissioner Sinden commented that the County Manager touched on the real rub-

the disagreement among counties regarding boarding vs. sending counties. The sending counties were making out very well on the backs of our property tax payments as we no longer charge them boarding. If we go back to the Counties setting their own rates it'll cost them money. We built a beautiful facility and we will take in boarders and set a fair market value. Other counties have no right to demand that we provide preferential treatment to them, stated Commissioner Sinden. Commissioner Chair Chandler commented that we are better having him (Commissioner Cote) there listening. Commissioner Lovell agreed.

Commissioner Chair Chandler reported that York County Co-Operative Extension has submitted their budget requesting the same amount as last year.

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HEAR A REPORT FROM THE COUNTY MANAGER

- a. Introduce Sheriff King to request approval for hiring of Corrections Officers and Deputy

Sheriff King submitted the following names for hiring as Corrections Officers in order of seniority: Ben Myers, Christopher Douin, Matthew Rocchio, Kimberly Laflamme, David Weisenbach, Benjamin Aubut, Joshua Lestage, and Freeman Sprague. Commissioner Sinden asked the Sheriff if one of the major causes of the jail deficit is overtime? And, if so, is it correct that in hiring more Corrections Officers the overtime will be reduced? Sheriff King responded, yes.

Commissioner Dutremble moved to accept the Sheriff's nominations. Commissioner Lovell seconded the motion. Vote 5-0.

Sheriff King requested Rachel Horning be hired as a deputy.

Commissioner Lovell motioned to accept Rachel Horning as a patrol deputy at pay scale B, Step 5 level according to the County Patrol Contract. Commissioner Cote second the motion. Vote 5-0

- b. Introduce H.R. Director, Linda Corliss, to present policy update recommendations

The County Manager presented the update as Ms. Corliss was away at a class. Mr. Zinser read the updated sexual harassment complaint procedure recommendation (Attached to the minutes as record). Commissioner Cote asked if this request was simply changes on how the reporting is done? County Manager Zinser replied yes. Commissioner Lovell requested that further clarification be added that the employee can move directly to the County Manager if the complaint is against their Department Head. *"If the complaint is in regards to the Department Leader, the employee may go directly to the County Manager."*

Commissioner Dutremble asked if this change was applicable to Union and Non-Union. The County Manager responded that it was.

Commissioner Dutremble motioned to approve the change in the policy regarding sexual harassment. Commissioner Sinden seconded the motion. Vote 5-0.

c. Update on LD 166 (rescue and ambulance)

The County Manager reported that a work session for Monday had been cancelled. He added that he had a conference call scheduled tomorrow with Representative Beavers to strategize as well as possibly having a joint phone call with legislative assistant assigned to this bill. Mr. Zinser stated that there is a little pushback with Firefighters Union but that he feels we have the support of the York County Chiefs.

d. Update on budget process

The County Manager informed the Commissioners that he anticipates presenting the budget to them by the middle of next week. It will be put on the agenda for initial review on April 1st. As in the past, times will be scheduled for the Commissioners to meet with the department heads.

County Manager Zinser asked if the meeting on April 1st can begin at 3:30. He informed the Commissioners that he had attended a very informative meeting today with an immigration lawyer regarding the EB-5 program. He continued that he thinks this is a worthwhile program for the County to explore as the benefits are significant. Mr. Zinser has invited the attorney to the next meeting but it hasn't been confirmed yet. Town Managers and economic developers have also been invited. Commissioner Sinden replied that he remains very concerned about the \$100,000.00 that the County would contribute in the face of all the tax shifts coming down the road with no pot of gold at the end of the rainbow. He added that he would not object to it if towns wished to opt in and then the towns could pay the \$100k. He further stated that he could not support it if the County was going to bill all twenty-nine towns in this program.

e. Introduce Sheriff King to discuss jail budget deficit

County Manager Zinser explained that the jail is facing a \$650,000 deficit. He added that hopefully, part of it will be covered by the State with the appropriation process. Assuming we get the \$400,000 supplemental payment, they'll be a \$250,000 deficit.

Sheriff King presented a PowerPoint. (attached as record). The presentation showed various proposals to aid in decreasing the deficit. County Manager Zinser explained that the jail is currently budgeted for 80 corrections officers but we've set an arbitrary cap of 76 in order to meet the budget numbers given us by the Board of Corrections. He added that our actual physical budget is at 84. Sheriff King informed the Commissioners that \$15,000 in overtime was paid out last week. The hiring of the 8 Corrections Officers should help decrease overtime. Sheriff King continued that they will be on the floor around the end of May, 1st of June. Commissioner Sinden reminded all that the (cap) fixed amount is \$8.3 million. That number is hard wired into the law. We cannot exceed the cap that the taxpayers and the legislators have established. The law is in black and white, remarked Sinden. We are obligated to give \$8.3 million annually to run jails. No ifs, ands or buts as far as exceeding that, stated Commissioner Sinden. Sheriff King commented on the problems at the jail including issues with the heating system. Commissioner Sinden responded that the State is responsible for the capital expenditures of the heating system. That is in the law. They are responsible for operational costs for over \$8.3

million. I haven't seen any change in the law. At the end of fiscal year, we have to work within the existing parameters. The law is the law, stated Commissioner Sinden. He added that he didn't know how the State can constantly say that it isn't or it doesn't apply to them. Commissioner Lovell commented that this is similar to the State's promise to provide 55% for essential services (education)- and the cities and towns in Maine have never gotten more than 40%. He wondered if it is the expectation of the State legislation that the counties would make up the shortfall as we have an obligation to operate the jail. Commissioner Sinden responded that the law regarding the obligations of the counties is clear. Each county is identified and their cap is identified. This has nothing to do with education. He clarified that the item Commissioner Lovell referenced was a goal of the State not hard wired as the jail cap is. Commissioner Sinden reminded all that Maine Municipal made it clear that a cap is a cap is a cap and cannot be exceeded. Commissioner Chair Chandler stated that she has a lot of faith in the Sheriff's ability and asked him to work a little more on this and come up with some sort of plan that the Commissioners can go along with to try and decrease that deficit even more and then have a legitimate conversation. The Sheriff asked if we could ask our attorney if we can exceed the cap. The County Manager replied that we could, but that we already have. Commissioner Dutremble asked if we could lend money to the jail? Then, send an invoice to the State that they would owe us. County Manager Zinser summed up the discussion in that the Sheriff has a deficit and discussion has been about the cap. The Sheriff is asking for more money. He asked the Commissioners what they want to do. Commissioner Cote responded that the cap is there and cannot be exceeded. There is no way we can get around that. He told the Sheriff we have to hold the line and ask you to go back and see if there is anything else you can do. Commissioner Cote added that he knows this is a tall order but the cap is in place and it's like a brick wall. The County Manager informed all that the jail deficit is \$650,000. He added that he has spoken to the delegation informing them that \$400,000 is not sufficient. Sheriff King stated that he talked to Sheriff Joe Merry to see if \$650,000 can be the number funded. County Manager Zinser commented that the supplemental numbers request has already gone through the legislative process so he doesn't believe it can be changed. Commissioner Dutremble asked if the deficit could possibly be carried over. The County Manager responded that we would have to cover the deficit and then the current deficit so that would not be helpful. Commissioner Dutremble wondered if we could go to our delegation and ask for more money. Mr. Zinser replied that we can, but, lots of other counties need money, too. He reminded all that we do not know what is going to happen with the jail system in 2016. If the BOC goes away, the deficit burden would be put on taxpayers of York County. He added that the jail budget is artificially low to begin with as the budget given to us by the BOC forced us to reduce overtime and personnel lines. \$800,000 is used to just cover the leaves for jail personnel-not including overtime. So, the money is not there to save next year.

Lt. Col. Michael Vitiello thanked the County Manager regarding his honest discussion about the number of C.O. positions. He added that when full-time slots are taken out, the work doesn't go away, it translates into overtime. The Lt. Col. explained that the posts are mandatory posts and fixed posts. He continued by asking if there is a way to legally allow a County to provide some financial support to the jail's capital fund by having the County finance some of the repairs and spread the financing over a number of years. Commissioner Chair Chandler reiterated the Commissioners' directive to Sheriff that he come back with a plan in a

couple of weeks. Commissioner Sinden stated again that the law is the law and that exceeding the cap cannot be a part of the plan. You can go to the State. They are responsible for the capital as well as the operational costs for the jail. Sheriff King asked the Board if Michael Vitiello's plan was considered exceeding the cap? Commissioner Sinden replied that if we have to spend more than \$8.3 million it is. County Manager Zinser stated that he would not recommend that. He added that he is on record with a lot of people, including our delegation, that of the \$400,000 requested, \$200,000 is for the heating. This factor pushed the supplemental to the \$400,000. This is in writing. He added that he didn't believe it would help our credibility. This type of financing was done in the past with the bobcat purchase but there were a different set of circumstances. Lt. Col. Vitiello again addressed the Board and asked whether or not we would be going to ask Gene Libby about cap piece and asked if while we are accessing counsel on this item, would it be helpful for future information to inquire regarding financing of capital. Commissioner Sinden replied that the law is clear. He added that he would not support this action and that he doesn't need an attorney to tell him what the law is.

Commissioner Sinden motioned that we cannot and should not exceed the cap. Commissioner Cote seconded the motion. Vote 4-1 Commissioner Lovell abstained.

Commissioner Dutremble clarified that the suggestions he has made are not to go over the cap. He added that by law, we have to have x number of prisoners to x number of corrections officers. He was trying to accommodate both the cap and the laws for the jails. Who is going to be responsible for the deficit he asked. Can we bill the State?

6 NEW BUSINESS

None

7 OLD BUSINESS

None

8 PUBLIC COMMENT(S) ON ANY ITEM(S)

None

9 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL ISSUES PURSUANT TO 1 M.R.S.A. §405 (6) (A), ACQUISITION OF REAL PROPERTY OR ECONOMIC DEVELOPMENT PURSUANT TO 1 M.R.S.A. § 405 (6) (C), LABOR NEGOTIATIONS PURSUANT TO 1 M.R.S.A. § 405 (6) (D) AND CONSULTATION WITH LEGAL COUNSEL PURSUANT TO 1 M.R.S.A. § 405 (6) (E).

1. Executive session pursuant to 1 M.R.S.A. §405 (6) (A) personnel Sheriff King was present during this session.

Commissioner Lovell motioned to enter into executive session.
Commissioner Dutremble seconded the motion. Vote 5-0.

Commissioner Dutremble motioned to come out of executive session.
Commissioner Sinden seconded the motion. Vote 5-0.

No action was taken.

2. Executive session pursuant to 1 M.R.S.A. § 405 (6) (D) labor negotiations

Commissioner Sinden motioned to go into executive session. Commissioner Lovell seconded the motion. Vote 5-0

Commissioner Sinden motioned to come out of executive session. Commissioner Dutremble seconded the motion. Vote 5-0

No action was taken.

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ADJOURN

Commissioner Dutremble motioned to adjourn. Commissioner Cote seconded the motion. Vote 5-0 Meeting adjourned at 7:40 p.m.